

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KURT KRUEGER,

Plaintiff,

Case No. 2:15-cv-13696

v.

HONORABLE STEPHEN J. MURPHY, III

O'BELL WINN and THE DIRECTOR OF
THE MICHIGAN DEPARTMENT OF
CORRECTIONS,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION
(document no. 20), **DENYING AS MOOT DEFENDANTS' MOTION**
FOR SUMMARY JUDGMENT (document no. 14), **AND DISMISSING THE CASE**

Kurt Krueger is a prisoner in the custody of the Michigan Department of Corrections ("MDOC"). Krueger filed the present action in October of 2015. Compl., ECF No. 1. In December of that year, Defendants moved for summary judgment. ECF No. 14. By March, Krueger had not filed a response to the motion, as required by Local Rule 7.1. See Order, ECF No. 16. Magistrate Judge Stephanie D. Davis therefore ordered Krueger to file his response by April 15, 2016. *Id.* After the deadline passed, the magistrate judge ordered Krueger to show cause why his complaint should not be dismissed. Order, ECF No. 18. Again, Krueger failed to respond or to file anything. Consequently, the magistrate judge issued a Report and Recommendation ("Report") suggesting the Court dismiss the case pursuant to Civil Rule 41(b). Report, ECF No. 20; Fed. R. Civ. P. 41(b) (providing for the dismissal of a case for plaintiff's failure to prosecute).

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ.

P. 72(b)(2). Because neither Krueger nor the Defendants filed objections, de novo review of the Report is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings, dismiss the complaint with prejudice and deny as moot Defendants' motion for summary judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Report and Recommendation (document no. 20) is **ADOPTED**.

IT IS FURTHER ORDERED that the case is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Defendants' Motion for Summary Judgment (document no. 14) is **DENIED AS MOOT**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: August 24, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 24, 2016, by electronic and/or ordinary mail.

s/Caryl Cohron
Case Manager